

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CYCLE-CRAFT CO., INC.

d/b/a BOSTON HARLEY-DAVIDSON/BUELL,

Plaintiff,

V.

HARLEY-DAVIDSON MOTOR COMPANY, INC.

and BUELL DISTRIBUTION COMPANY, LLC,

**Defendants.**

CIVIL ACTION  
NO. 04 11402 NMG

**DEFENDANTS' POSITION STATEMENT CONCERNING DEPOSITION  
DESIGNATIONS OF WILLIAM HOLADAY**

**I. Harley-Davidson Has Asserted Valid Objections to the Testimony Designated by Plaintiff**

1. Harley-Davidson objects to Page 61, Lines 10-22 (attached hereto as Exhibit A) on hearsay grounds. In this designation, Mr. Holaday is asked about an email he purportedly sent on or about December 13, 2002. This email is attached hereto as Exhibit B. Even a cursory read of this email reveals that it contains inadmissible hearsay as Mr. Holaday reports what dealers allegedly advised him concerning the Boston Market Study. Plaintiff also attempts to elicit Mr. Holaday's recollection concerning what John Atwood, plaintiff's president and owner, told him about the Boston Market Study. Such testimony is plainly inadmissible hearsay and should be excluded.

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Respectfully submitted by,

**Harley-Davidson Motor Company, Inc.,  
and Buell Distribution Company, LLC**

By their attorneys,

/s/ William F. Benson

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Dated: July 31, 2006

### **CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by hand on July 31, 2006.

/s/ William F. Benson

William F. Benson